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LIBERTY

OF THE

PRESS.

*A Letter addressed to the National Assembly of
France, by ROBERT PIGOT, Esquire, late of
Chetwynd in Shropshire, and published by their
order, with notes and supplement afterwards added;
and offered to the consideration of every English-
man.*

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LIBERTY OF THE PRESS.

Let it be engraved in your minds, and make your children learn at the breast, that the Liberty of the Press is the palladium of all civil, political and religious Liberty. JUNIUS:

GENTLEMEN,

I AM not the first of my country-men, who has presumed on your humanity, for not to hope, you will give him your attention. The subject upon which I presume to address your august Assembly, is too important, to want any great apology.

Your transcendant merit and glory, are already enough acknowledged by your actions, to require any panegyrick; but the Laws, which are now proposed to your consideration, under pretence to regulate the Liberty of the press, excite the most just alarms; for they cannot be regarded, otherwise, than the most insidious

attempts to establish your ancient system of Government and slavery.

What must not be the pain and anxiety of every sensible mind, to see France exposed again to the greatest misfortunes, if these proposed Laws ever pass into a decree; in that moment, I will not scruple to say, I see all the friends of liberty and all Nations lose their country. For I run with a multitude of other foreigners, to enjoy with you the natural rights of man; but if you at all attempt to diminish these sacred rights, by circumscribed narrow Laws of the press, all hopes are lost; for what will your constitution promise more, than all the other corrupted and ignorant countries of Europe, where the rights of man are totally unknown, or which is the same thing most wickedly violated? How then shall I cause to enter into your minds those sentiments of genuine liberty, which the idea of any subjection of the press enflames in my breast?

I owe, Gentlemen, to a long experience in my poor and enslaved country, the knowledge of abuses, which have proceeded from this cause; so as to oblige me, in spite of my natural love to my country, to fly from it, in seeing liberty so abused and oppressed. For if

the liberty of the press has once triumphed in England, and to which we owe all our rights, it is no longer the case. I have, however, seen repeated attempts to recover and maintain this ancient glory of the Nation; but Ministers and Judges united, have proved too powerful. Call to your minds a moment, Gentlemen, the bloody and unnatural war of America, for ever disgraceful to the Nation. Think you, if the newspapers had been left free and uncontrouled, without any restraint of Ministers, that they had ever so imposed upon the people? No, the smallest degree of reason and humanity declares the contrary.

Little do you think, Gentlemen, how England is at this time governed; how many are the ways of Ministers and Judges, to impose on the Nation, and oppress it; how many hireling Writers are employed for that wicked purpose, and by the Law of responsibility, which judges have attached to authors and printers; all liberty of the press is nearly at an end, and which most infamous Law, is now offered to your consideration, for an English Judge never finds any difficulty, or scruples of conscience, to construe any writing into a libel.

Amongst the very many that are tried, all

are found guilty, in so much that our Ministers are seen to be almost perfect masters of the news-papers and other writings, where they calumniate your glorious revolution, and endeavour to render French-men most odious, on that account, in order to deceive the Nation, as in the war of America; fearful also that it should be tempted to follow your example.

You know also, that our tribunals are more expensive in England than in any other part of Europe, to the great scandal of the Nation; so that printers and authors stand in utmost awe and fear of their dreadful tribunal. For a libel is thought a sufficient offense in the eyes of our judges, to merit any degree of punishment, as witness Lord George Gordon, who, for a pretended libel, is condemned to five years imprisonment, in the worst of prisons, and a caution afterwards, of five thousand pounds for his future good behaviour; as if almost any crime could deserve so dreadful a chastiment. Yet our judges are not known to redden, or denote any remorse of conscience at so cruel a sentence; for no-body chuses or dares to call them to any account, although responsibility is more to be required by law, from one who judges, than the other who is judged :

wherefore, it has been a surprise to many, that this unhappy Lord has not brought an action against his judge for so unmerciful a sentence; but what would probably be the consequence, one brother judge must determine for another, and it is natural to suppose, one brother will be inclined to favour another.

According to a very ancient Law of some Nations, a judge who was discovered to pronounce a cruel sentence, was flayed alive, and other judges made to sit on cushions covered with his skin, and many have thought it no unpolitic Law. For what offence can be greater, in the eyes of God and man, than one who overthrows justice, abuses mercy and obeys not the laws, to which he is sworn. These were the men, the ancients tell us, were most punished in hell.

The misfortune is, that our judges are not chosen by the people, or their representatives as yours are intended to be, and must be in every free and civilized nation, nor is this the least evil, they are of late appointed for life, by which means they become a kind of arbitrary tyrants rather than legal judges; in following their own passion more than the Laws. So the romans never gave up their liberties for lost, 'till their judges and other magistrates were

made to continue a long time in office, then, and not 'till then, Rome took upon her the internal yoke. So you see the English people bending their knees before their judges, with more reverence and terror, than any Turk or Mahometan, before the Divan, uncertain of their fate. As well might Tacitus, the immortal Tacitus say : « *Plus toga, quam ense tyrannus se ipsis servabit* ». i. e. The tyrant will avail himself more of the robe than of the sword; and gives it as a legacy, to all Nations.

The English deprived of a free constitution, by means of lawyers and judges, do not understand a word of this advice; so much does the charlatanism of lawyers and splendor of tribunals impose on their understanding and reason; as witness the trial of Hastings (1). Yet Eng-

(1) As if it was not a most easy matter to acquit or condemn such a man, without so great splendor and noise, or forcing the Nation to any enormous expence, and without cart-loads of parchments, to convict him against living evidence. This proceeding is well Known to answer the purpose of judges and lawyers, but not of the nation. It did not require all this time and ceremony to condemn Lord George Gordon. No, he was not rich, had not been an
lish-men

glish-men in general are heard to boast of their excellent constitution, as the most perfect model of government.

One persuades him, he makes his own Laws, one tells him his constitution is the best in the world, and he believes it; that it is so excellent as cannot be amended, so perfect and immortal, he must alter nothing, and he believes it. One tells him..... what does not one tell him, which he does not believe?

advocate for liberty, and had not wrote libels; and why is this man suffered to stalk abroad more than another, when accused of so many capital offences, and found guilty by the house of commons? Besides, does the Law know any like partiality? These proceedings appear scandalous and impudent in the eyes of the world, and to crown the whole I doubt not he will be acquitted in the end. All this precious time, which ought to be employed in the trial of other causes, and great national business, is to be taken up in the trial of this noted India Governor, by which is easy enough to be seen, the end and interest of Lawyers and judges. For you seldom now hear of frequent causes as formerly, tried before the house of Peers. The whole is now tranferred to the courts of Law: to be cooked and dressed according to their pleasure and interest. Thus, Lawyers reap a most abundant harvest whilst the nation is made to bleed from every quarter.

But has not the Learned Montesquieu said, if once the constitution of England becomes corrupted, it will be the worst of all possible governments. And how can that constitution be called excellent, where the executive power is found to have more authority and influence, than the whole legislative body? How lately did not the Parliament of England declare the power of the crown to be encreased beyond all bounds, and that it ought and must be diminished, yet was the decree no sooner passed than forgotten.

Examine also the elections of any of our members of Parliament, and view the scenes of drunkenness, riot, corruption and downright perjury, which prevails, and can you call this constitution excellent, and not sufficient to excite the just anger of heaven? And when Parliaments are become septennial instead of triennial, and when the representation of the people is found so very unjust and unequal; yet certain reputed writers are employed to extol this constitution to the skies, and are extolled in return (1).

(1) I shall be glad to know, how that celebrated historian

You may perceive then, Gentlemen, in what manner England is governed; and how

M. de Lolme, of Geneva, comes to understand the English constitution so perfectly, as to presume to write the faithful history and panegyrick. He who is a stranger, cannot be supposed to know the secrets and windings of so complicate a government. Is it his patriotism alone, which has engaged him to display his zeal in defence of such a rotten constitution? I doubt also, if a Lawyer can ever be a good politician or States-man; had he said this constitution was better than his own, he might have been believed; and how much better for himself, and the world, if he had employed his abilities in defence of his own country measures; he might in that case have had greater prétentions to immortality and public esteem.

M. de Lolme under a great appearance of modesty, attempts to contradict all which the sublime genius of Montesquieu has written concerning the English constitution; as if possessed of so superior judgment. Hume is no less the object of his condemnation. Afterwards he ascends so high as to wish to prove, that the English government is far more excellent than ever was, that of Rome or Greece and attributes all this excellence and virtue to the great and continual authority *and weight of the crown.*

Yet it is the executive power which has introduced and maintains this most atrocious system of corruption, that has perhaps ever existed in any nation, and has first of all implanted that most ignominious and odious character of every man in the senate having his price. Who is known

much English-men are imposed upon. For I feel pain and sorrow to reveal these truths, which the

Likewise to exercise her no less pestilential influence over the judicial authority and priesthood, and has of late proceeded so far, as to interfere openly in the very elections of the people in defiance of every Law to the contrary.

Such is the excellence and virtue of the executive power to which M. de Lolme affixes all the merit and glory of the constitution. But after such an impudent assertion, what will not a man assert and an ignorant people be made to believe.

M. de Lolme goes on to speak of the superior meekness, mildness, sweetness and excellence of the criminal courts of England and her judges, in comparison of all other countries. Yet it is well known more men and women are hanged and destroyed within the year in England, than all the rest of Europe. But to prove this modern assertion, he has recourse to the casting men headlong from the Tarpeian rock in the reign of the tyrant Tyberius, which he affects to consider as the most cruel of all punishments, as if there was any great difference of cruelty between casting a man headlong from a rock, or hanging him like a dog by the heels after imprisoning him a length of time.

Nor can any country be found where are so great a number and variety of rogues of every species, such as house-breakers, Pick-pockets, swindlers, highwaymen, street-robbers without number, of no great honour to the nation. Does this prove the excellence of the criminal courts of judicature and English constitution. Yet no reformation is to be expected herein for fear of innovation, as the learned

love of liberty, justice and humanity demand.

For the sake and love of mankind, be cautious then, how you imbibe those vulgar prejudices, with which artful and ignorant men would inspire you, by naming England on so many occasions, as an example to follow; but consider, how much France is now called upon, to excel her, and avoid the hardships which attend her present most unhappy condition. For never was any country so taxed and oppressed in every man-

and humane judges term it, and because Lawyers thrive better by the variety of crimes and greater number of Villains, so well as the judges.

The nation is however indebted to M. de Lolme for one assertion, who tells us, that in all his elaborated researches of Law-books without number, by Jacob and Cunningham, of Wood and Blackstone, which treat of Rights, he cannot find any Laws to govern the press, which plainly proves, the liberty of the press is unlimited in England, and that they are Lawyers and judges only, who have pretended to enact Laws, and inflict punishments for writing, and is a very capital offence.

The book worthy to be read by all English-men and foreigners, is the history of England, written by Dr Smith, a very learned and able Physician, and whom M. de Lolme attempts to condemn in many parts of his work. His own book has been, however, very well refuted by the very respected marquis de Condorcet; but as not

ner, however different may be her outward appearance : remember it is an English-man who tells you these things, and admonishes you of your danger.

From a deep sense of all the abuses and oppressions, which exist in England, I have not power to resist this my zeal for the cause of liberty, to which I have in my life time made no small sacrifices. I dare then hope, my testimony will serve to your august assembly as evidence of

Knowing sufficiently the weakness and abuses of the English constitution, it is greatly to be wished, some English-writer of character would take this work in hand, which has so greatly imposed on the ignorant part of mankind. As to the external form of the English constitution, which M. de Lolme esteems so very excellent, and almost supernatural, it is perfectly Gothic and Barbarian, created at hazard in the days of Goths and Vandals, and of greatest darkness; and as a most convincing proof of her barbarism and savageness, we have only to read the history of England, and remark all the civil wars and Dissention, and plots and divisions at home, and continual wars abroad, which have always existed in England, so as to be convinced of her no very excellent outward form of government, but sufficient to strike all nature with horror and contempt. In short, the whole is of Gothic form and institution, where is to be seen nothing of the Dorick, Ionic, or regular order of architecture in government.

the truth. Ah! follow the principles of causes in their consequences , if you wish the nation to be free, or yourselves in any degree happy.

Without free liberty of writing , what will France become? But like England, a prey to Ministers and judges , who Govern the nation according to their will and pleasure , who have loaded the press with all manner of odious taxes of stamps , as declared enemies to all genius liberty and learning. And what do you fear, popular insurrections and tumults ? You Know too well, the people do not rise without just motives of resentment against their tyrants and oppressors, and to obtain a redress of grievances. You already know the nation sufficiently well , as not to be afraid ; and who has ultimately the same desire and love of liberty as yourselves.

Moreover, the people are always disposed to hear reason , when their primary drunkenness and fury is a little abated. So you must reason with men , and not treat them worse than brutes , with heavy blows and death. It is an ignorant government , which acts in this manner, and renders a nation brutal and wicked.

Moreover tumults and revolutions are, perhaps, as necessary from time to time, as winds and

tempests in the element , to purify the air , and render it salutary (1).

(1) Did the great tumult of London , which has made so much noise , do so very great mischief , because it opened the gates of the prisons , and let free the very many captives ? and because it destroyed the King's-bench prison , being in reality a greater evil than the French-Bastille , and contains greater abuses ; and because it cast into the streets all those infernal and diabolical spirits , which drive the people mad , and force them to commit all manner of offences ; but that government have had the cruelty and wickedness to re-establish , by giving the proprietor an immense sum of money , to re-establish him in such infernal employment.

I never heard they killed man , woman or child , or even hurt any body. Did they then deserve to be butchered in such a manner , and so many hanged afterwards without respect to age and sex ? The French soldiers did not massacre the people , as the English military were made to do. When called upon to fire , they fired into the heavens saying , they scorned to imbrue their hands in the innocent blood of their defenceless country-men ; like to the Thebans of old , when called upon to act , told their commanders , they were Citizens before they were soldiers ; and if he persisted , they should fire upon him ; so the name of a French-man , will be as immortal for this event alone , as that of Theban. The members also of the national assembly , all indigent as they were , told the ministers , who offered them places and governments , they love their country too well , to accept such royal presents.

Every

Every thing stagnates in nature, and becomes corrupt, without frequent motions and changes. And as was the saying of antiquity, « *malo pe-
» riculosam libertatem quam quietam et longam ser-
» vitudinem* ». i. e. I chuse rather a perilous liberty, than a quiet and long slavery (1). A state of

(1) A revolution may be accomplished without bloodshed, or loss of riches, or any violent disturbance. It is only for the nation to assemble peaceably in all parts of the country, and demand a redress of grievances; and their demand must be granted since it is the nation which constitutes a government, and can order it to be dissolved when not finding it their interest to maintain from the variety of abuses which have taken place.

Montesquieu is also of opinion as are all wise legislators, that all governments should be dissolved every fifty or at least a hundred years as the only means of regeneration, and to establish good order, and destroy tyranny.

Mankind have no greater enemy, nor can there be greater enemies to learning and improvement than those sophists and lawyers who are heard to exclaim always against every plan of reformation with a view to preserve all ancient abuses and absurd customs; because either agreeable to their own private interest or vulgar ideas. For provided they can occupy the first places in the state, and are in a way to acquire fortune and riches, the nation is according to them always well governed and in a most flourishing condition. Things cannot be better than they are. They care not how much others suffer;

downright anarchy, is far preferable to a state of tyranny. Rome was always in a kind of civil commotion, by which she became so high spirited and powerful. How often did not her citizens and soldiers assemble on mount aventine, and force the senate or Parliament to declare abolition of debts and taxes, as knowing from experience the immense advantages!

Despise then, ah! despise little temporary dangers and gratifications for the sake of greater and more lasting happiness.

That genuine statesman lord Chatham, who governed England with so great glory to himself and the nation, always declared in Parliament he feared not libels. They did not offend him; but administered to him all advantages in

how great are the number and weight of taxes, and the difficulty to support them; and all those who feel for the misery of others, and would willingly fly to their assistance, are branded with the name of innovators and disturbers of the public peace. So every project of reformation is construed by them into a crime or a libel, and of the nature of high treason. As much as to say when the body is become weak and infirm, and has contracted a variety of disorders, it must take no remedy, nor employ any means to restore it to better health and condition. Thus is the nation deceived and kept in continual bondage and misery.

telling him truths, which he had not known, and making him more attentive to his office; but that his actions and words should prove a sufficient answer; the consequence of which was, that no libels were written against him.

Ministers more especially judges are the true servants of the nation, whose actions and proceedings it has every right to examine and condemn, since it is she who pays them, and such is the wages of office.

Let every one, therefore, have the privilege to think and write as he pleases, provided he only affixes his name without being exposed afterwards to any criminal process; or be at the mercy of any angry judge or state-juggler. Let him answer before the people who must be his judges by other public writing to justify his conduct. So will the genius of men be more exercised, and each one will be more attentive to his actions. Also the fewer are the number of laws, the lesser will be the processes of tribunals, and the more great will be the general happiness; especially since laws in these degenerate days serve more to gratify the purposes and interests of lawyers and judges, than to promote any private or publick good.

Now then Gentlemen, behold the truth and

division of things , which I have laid before you and upon all such objects as regard the liberty of the press. Examine how all those laws proposed to your inspection, which tend to refrain the power of writing with freedom on all subjects, are diametrical opposite to general happiness. You will then be all of one mind, that the liberty of the press is the palladium and guardian of all civil , religious and political rights.

S U P P L E M E N T.

WHEN any one is publickly prosecuted and oppressed, it is the duty and interest of every one to stand forward in his defence; for an injury done to an individual is an injury to a whole nation. The same like offence will be committed against another at another time, and every one, in his turn, becomes exposed to unjust prosecution and punishment; for which reason I think it necessary to say a few words in defence of lord George Gordon more especially, as he appears to become so obnoxious to many.

He has been accused as the sole author of the great tumult in London; but let us examine with coolness and moderation if the fact is so. Is it not well known the whole nation was at that moment disposed to revolt, from a sense of their violent oppression and injuries, and partly on account of the american war and partly of religion, and that frequent meetings and assemblies were held all over the kingdom? as if such a man as lord George Gordon had ever the power to cause so great a riot, if the minds of the nation had not been before prepared and made ready

for revolt ; as well might it be said , lord George Gordon was as Jupiter , who could raise winds and tempests at his will and pleasure ; or that Jupiter had given him such a power over the people , as to direct them in whatever manner he pleased. Yet no measure has been left untried , to make the nation and the whole world believe , he was the sole cause and contriver , and more black and wicked than the devil himself. So he is one while represented as a disturber of the publick peace , or more properly publick tyranny ; another time he is a fanatick , another time one most dangerous ; another while he is a libertine ; last of all , is called a madman ; but if mad , why confine him in Newgate in so barbarous a manner ?

Yet lord George Gordon does not appear to be such a madman as not to write libels ; nor is he one so dangerous , but to ministers and judges ; nor is he properly to be called a fanatick , but one most zealous for liberty , justice and religion ; and therefore he then is more intitled to national protection and public esteem than another ? I never heard that lord George Gordon was an wicked or cruel ; on the contrary , that he was humane , generous , affable , convivial , pos-

sessed of wit and learning, and above all very devout. Who has always given, ministers and judges, good advice and chapter and verse from the bible for all he has spoken and written against them. Nor do I believe, he had any sinister or wicked intention, as his enemies had given out in regard to the riots or else he would have placed himself boldly at the head of the multitude, and marched to the gates of the palace, and afterwards to the tower, and then to the bank, for there was nothing to oppose him in that moment; and then had declared himself king or lord protector of the Realm, untill such time as liberty was established and grievances redressed. Or had caused to be hanged a minister or judge in *terrorem cæterorum* as was near to happen.

But it is allowed he did all in his power to appease the multitude, 'till finding the impossibility, he concealed himself, to which many have affixed the name of cowardice and timidity. For how could he possibly foresee the event unless he had been an absolute prophet? For according to the english constitution, the people have an undoubted right to assemble themselves, or be assembled by another in order to demand a redress of grievances. If they commit any outra-

ge and are found in the fact, they are the laws which afterwards must punish. But at that period, the people thought their religion was in danger on account of the Canada catholick bill, which gave original rise to their assembly, and finding themselves so strong and numerous, they attacked the king's bench prison, and sought the lord chief justice, who must have been before very odious to them; and in consequence demanded more to be tried, and his conduct examined into as the author and support of the riots, than lord George Gordon.

In short, has he not been tried and suffered a very long imprisonment and acquitted of the crime? How very unjust and cruel in any one, to accuse him any longer of this offence. I doubt not also but they have been his false friends and enemies, who have prevailed on him to abjure his religion in order to make him appear more odious on that account, nor can it be a wonder if his mind be now affected after the violent and long persecution and imprisonment he has undergone; for such is the nature of a prison as to be able to subdue and overcome the most powerful man, had he the heart and spirit of a lyon. But has he not given in times past, ve-
ry

ry strong proofs of his virtue and love of liberty and religion, so as now to be entitled to some better indulgence and favour for any great fault he has committed.

For my part I declare to have no personal knowledge or communication with the poor unhappy lord. It is in pity to his sufferings and as an enemy of persecution which engages me to be his humble advocate. Ah! Englishmen had once the character to be humane, and lovers of publick virtue and justice; but where is this humanity and love of virtue fled, when such a man is so forsaken and left desolate and given up as a prey to ministers and judges? How becoming would it not be the honour and humanity of Parliament, to take his cause into consideration, that so the sentence may be mitigated, and the judge brought before them, to answer for his cruel conduct, in defiance of the great hue and cry and clamour which will naturally be raised by lawyers and judges.

Moreover Parliament is the guardian and life-guard of the people, whose particular duty is to see no injury is done them, or offence committed on the side of judges. Wherefore the custom has always been to bring judges before them when accused or suspected of any act

of cruelty or injustice : as witness chancelor Bacon in the reign of James the first, whose great abilities, virtues and learning, could not rescue him from their punishment.

The english history is replete with anecdotes of chastisements, which unjust judges have undergone from the hands of the commons to their immortal honour and glory ; but Parliament of late years appears to have slept on this necessary part of their prerogative, and of the duty it owes to the people which is one reason that lawyers and judges are of late become so audacious as to forget all idea of restraint. It is to be hoped however some member of Parliament will take it into debate and render so immortal a service to the nation.

The only real libels are those which speak against humanity, and the natural rights of the people ; yet these kind of writings are never considered or adjudged as any way criminal, injurious or defamatory. Or why is not a certain great law-lord made to answer before a solemn tribunal for those most audacious, impious and inhuman speeches ? That there never shall be any act of grace granted for debt ; that imprisonment for debts is too small a punishment, and few or no more divorces of marriage granted.

Permit me to say these are the true libels and offences against God and the nation, most worthy of the public notice and chastisement.

Let this pious and humane judge be shut up in a darksome prison barricaded with strong iron bolts and doors and high walls for a week only, or a day; and then let him pronounce or others for him, if imprisonment for debt is too small a punishment. Now I dare to tell this humane lord, imprisonment is the most cruel and barbarous of all punishments and the least effectual, adapted only for capital crimes and not civil offences. That it would be less cruel to cut off the legs and arms of a man, or deprive him of life or sight, than to confine him for any length of time in a prison; it is no less, than to put them to the torture by depriving them and their families from the means of subsistence.

It is also against the express law of the land, in open violation of the sacred rights of *magna charta*, which says no man shall be imprisoned for debt for any length of time, since it is to deprive him of proper maintenance and the state of his services; and this has been the opinion of lord Coke, and lord Hardwick, and the greatest judges. The sacred act of *habeas corpus* is no less

sacrilegiously violated, to give rule to the arbitrary will and law of judges; but if the nation will submit to these injuries and outrages, there is an end of all laws and government.

Where is the act of Parliament which will or can lay aside such an humane and salutary act? Yet, if I demand satisfaction for this violent outrage of imprisonment, it is my lord chief justice who is to pronounce his opinion in a case which so nearly concerns his own private interest; and how disgraceful and horrid an act to a nation that the great emoluments of a lord of justice of great Britain should proceed from the misery of so many beggarly-men.

When a man has made a formal surrender of his whole property without fraud or deception, he is surely more than sufficiently punished, without being cast into a prison, and left at the mercy and will of his lawyers or angry creditors. Moreover a man may find ways and means to pay his debts, when enjoying personal liberty, but which he cannot do under confinement. But by way of apology and delusion for this barbarian cruelty, the heads of the law pretend and make the nation believe it is for the good of commerce they think proper to imprison men,

when the fact is quite contrary of all injury to trade in general, and only profitable to themselves (1).

Nor do prisons reform men, but render them more hardened and vicious, and corrupt their morals which were before probably very good; for when once the shame of a prison is removed, a man becomes indifferent to honour, the grand incentative to virtuous actions, and is never found good for any thing afterwards. Such is the shameful remains of the gothic mode of punishment, which ought in all human reason to be abolished, except for capital crimes.

Wherefore I am surprised so very good and wise a man as Mr. Howard should dedicate his time, fortune and abilities to the erecting of sumptuous prisons in all parts of the kingdom to her eternal disgrace. For any foreigner who arrives must necessarily think England a nation compo-

(1) The Egyptians, whose laws ought to be the model to all enlightened nations, on account of their superior wisdom and goodness as allowed in all times, did not permit creditors to seize and confine the bodies of their debtors; regarding it as the most unjust and impious vexation so to act, without the power to satisfy, and a direct attack upon the rights of a nation, to whom each individual appertains. They

sed only of thieves and villains ; or that ministers and judges meant one day to imprison the whole nation.

This gentleman seems to have forgotten , and nobody appears to be so benevolent as to remind him , to have entered more into the nature and causes of crimes , as the only way to prevent them , or at least hinder their augmentation. For the end of all government is to prevent crimes and offences , and very seldom to punish. And as one most salutary and essential means to take away from prisoners the use of spirituous and inflammatory liquors without fear of danger and injury to the revenue or the infernal profit of judges. Nor should prisoners be allow'd any kind of animal food or flesh , as further means to soften their hardened character , and render it more mild and sensible ; but have placed them on that wholesome and natural regimen of bread , water and vegetables , as the only means to restore them to their lost senses and knowledge of their crimes ; and if during such period he had employed himself , or other wise and good men , to

only punished with death two kinds of crimes , homicide and perjury. For all other offences were consigned to infamy. And in Egypt were seen fewer offences than in any other part of the world.

give them salutary counsel, when they were in a state of preparation and repentance. And to reason with them, when not having their minds and bodies inflamed with liquid fire, nor ever suffer them to go abroad, 'till they were convinced of their bad conduct and offences, and have given proofs of their reformation.

If during this time of their confinement, they were taught some handy - craft trade, whereby afterwards to gain an honest livelihood, or made to dig the earth, instead of suffering them to perish in idleness and luxury; they would in this case be brought to see by habit and experience such kind of labour was no less an easy than agreeable employment; and by which art they might always live, and be of great utility (1) to their country : they would also acquire the good habit of temperance and sobriety, without which can be had no solid virtue or dependence of future good behaviour. But our humane and *learned*

(1) Every prison should contain a work-shop where men might be taught the trade of a carpenter, ebenist or turner, or to be made to weave cloth or linnen; also adjacent to the prison should be a tract of ground, which the prisoners should cultivate. The women might be taught to spin or to knit, or be employed in other works of manufacture, or be employed to make bread for the prisoners.

judges and lawyers (as they are called) understand nothing of these salutary improvements and acts of benevolence ; their ambition and thought is only to inflict heavy fines and great corporal punishments, and amass great riches for themselves, which they afterwards consume in brutal gluttony and waste, and in setting bad examples of luxury.

These men not contented as formerly to act as judges only, they are of late become ministers, and have seized on the highest departments of the state, altho' the least qualified of all for such superior employment; for as spoke lord Chatham one day in addressing himself to a certain judge of reputed learning and sagacity ;

» What should make you a statesman? is it poring
 » over rolls of parchment? Heaping up of mortgages, or the study of the laws of the old
 » Baily and Westminster-Hall, or a life spent in
 » the drudgery of business, and being always accustomed to hear wrong defended against
 » right». Think you these narrow laws and ideas and customs, are what ought to govern mankind? Or can a man follow two professions and serve two masters? And certain it is judges and lawyers are the *least qualified* to be ministers or to have influence in state affairs on account of
 their

their other employment and want of general learning (1).

Wherefore, it is of all injury to the nation, they are allowed to have any interference in government, and not confined to their own proper calling and business.

It is no less necessary for the nation to attend to the conduct of these lawyers, whose numbers are increased beyond all due limits, and whose proceedings are no less boundless than inhuman; also what are not the number of their bailiffs and followers which are hourly seen in the streets, who harrass the people out of their lives and fortunes, and demonstrate all manner of impudence, rapacity and cruelty; because they are protected by these pretended heads of the laws, who draw so great profit from their activity. The spunging houses are they not also horrid prisons, sanctified by judges which exhibit the most cruel abuses and impositions? Yet

(1) It is said in the Bible, Woe to you doctors of the law and false teachers, who have violently seized on the key of science, without having once entered yourselves therein; and have opposed these who are willing and able.

these things are not to be changed, for fear of innovations or changes as they pretend; nor can the least contract or agreement be now performed between one man and another without calling a lawyer to the party. Even the king, instead of a confessor, must now have a lawyer to be keeper of his conscience.

For better the nation was again overrun and besieged by monks and priests, than these persecuting and oppressive tyrants. No wonder these men are all so great enemies to the press, fearing their actions should be discovered, and published to the world. But if there is any spirit in printers, or any love of themselves or their country, they will to a man unite and declare equal war against such public oppressors; in which case the nation cannot fail to fly to their assistance, being in defence of their own rights and interests; without which their lives and property will never be in security, but always at the mercy of lawyers and judges to dispose of according to their will and passion.

Wherefore I call upon the nation and give it her as my farewell legacy, to exercise all possible watchfulness and diligence over these

judges and lawyers, and demand abolition of their tyranny and robbery to which no king, minister or Parliament can in honour and justice form opposition; for not untill then will the nation ever be free or have reason to rejoyce.

(72)

to no mode but demand that we should have the
right to liberty of conscience and the right to
conscience has been at the heart of the struggle
for the right to liberty of conscience for the
people of the world.



